THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 1543 OF 2007

DATED: 29-01-2007

Between:

Sri Sai Teja Mahila Dwakra Group,
rep.by its President Smt. S. Chandrakala,
W/o. S. Venkata Subbaiah

... Petitioner

And

The Government of A.P. (F & A)
Civil Supplies, rep.by its
Secretary, Secretariat,
Hyderabad.

... Respondent

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ORDER:

One S. Rahuludu was a fair price shop authorisee in respect of the Shop.No.87 of Prakashnagar, Payakapuram, Vijayawada city. Later he died and alternative additional charge arrangement was made in favour of a neighbouring dealer. During the currency of such alternative arrangement, petitioner applied for authorization to run the fair price shop. A temporary authorization was granted to the petitioner on 11-05-2001 by the order of the Sub-Collector, Vijayawada dated 13-06-2001.

According to the petitioner, the temporary authorization was extended from time to time. On 31-05-2002, the temporary authorization was renewed for a period of two years ending 31st March. Thereafter, without a formal order of extension of the temporary authorization, the petitioner was permitted to run the shop in question and essential commodities were supplied to the petitioner

on payment of usual charges.

The 4th respondent has now issued the notification dated 22-12-2006 calling for applications for granting of authorization for fair price shops in the Vijayawada City including the shop in respect of which the petitioner had a temporary authorization, which has not been renewed but which is being defacto continued. On the basis of such tenuous nexus with the shop in question, the petitioner assails the notification dated 22-12-2006.

The learned counsel for the petitioner contends that as the petitioner's authorization though temporary is current, the fourth respondent could not have issued the notice, particularly in the context of the fact that the impugned notification also envisages preference to certain specified groups including Dwakra groups, to which category the petitioner belongs.

None of these contentions commend acceptance by this Court. As already analyzed, the petitioner does not have a current authorization. Authorization in respect of a fair price shop is a formal process involving issuance of an order by the competent authority, granting authorization either on permanent or temporary basis. Such is the mandate of the relevant control order – the A.P. Public Distribution System (Control) order, 2001. The permissive running of the fair price shop on the negligence of the civil supplies authorities does not constitute a formal authorization nor is the petitioner entitled to label itself as a temporary authorisee on such account.

In the circumstances, the notification does not adversely impact any vested right or legitimate expectation of the petitioner, since there is no legal foundation for the petitioner's current operations as a fair price shop dealer. If the petitioner is eligible and qualified, the petitioner may

compete for grant of authorization pursuant to the impugned notification.

There are no merits in this writ petition and the same is dismissed after hearing the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies at the stage of admission. There shall however be no order as to costs.

GODA RAGHURAM, J.

Dt: 29-01-2007
Rns